

**Union Calendar No. 202**

103D CONGRESS  
1ST SESSION

**H. R. 1425**

**[Report No. 103-367]**

**A BILL**

To improve the management, productivity, and use  
of Indian agricultural lands and resources.

NOVEMBER 16, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

# Union Calendar No. 202

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1425

**[Report No. 103–367]**

To improve the management, productivity, and use of Indian agricultural lands and resources.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1993

Mr. RICHARDSON (for himself, Mr. JOHNSON of South Dakota, and Mr. WILLIAMS) introduced the following bill; which was referred to the Committee on Natural Resources

NOVEMBER 16, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 18, 1993]

---

## A BILL

To improve the management, productivity, and use of Indian agricultural lands and resources.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “American Indian Agri-*  
3 *cultural Resource Management Act”.*

4 **SEC. 2. FINDINGS.**

5       *The Congress finds and declares that—*

6           (1) *the United States and Indian tribes have a*  
7 *government to government relationship;*

8           (2) *the United States has a trust responsibility*  
9 *to protect, conserve, utilize, and manage Indian agri-*  
10 *cultural lands consistent with its fiduciary obligation*  
11 *and its unique relationship with Indian tribes;*

12           (3) *Indian agricultural lands are renewable and*  
13 *manageable natural resources which are vital to the*  
14 *economic, social, and cultural welfare of many Indian*  
15 *tribes and their members; and*

16           (4) *development and management of Indian ag-*  
17 *ricultural lands in accordance with integrated re-*  
18 *source management plans will ensure proper manage-*  
19 *ment of Indian agricultural lands and will produce*  
20 *increased economic returns, enhance Indian self-deter-*  
21 *mination, promote employment opportunities, and*  
22 *improve the social and economic well-being of Indian*  
23 *and surrounding communities.*

24 **SEC. 3. PURPOSES.**

25       *The purposes of this Act are to—*

1           (1) carry out the trust responsibility of the  
2           United States and promote the self-determination of  
3           Indian tribes by providing for the management of In-  
4           dian agricultural lands and related renewable re-  
5           sources in a manner consistent with identified tribal  
6           goals and priorities for conservation, multiple use,  
7           and sustained yield;

8           (2) authorize the Secretary to take part in the  
9           management of Indian agricultural lands, with the  
10          participation of the beneficial owners of the land, in  
11          a manner consistent with the trust responsibility of  
12          the Secretary and with the objectives of the beneficial  
13          owners;

14          (3) provide for the development and management  
15          of Indian agricultural lands; and

16          (4) increase the educational and training oppor-  
17          tunities available to Indian people and communities  
18          in the practical, technical, and professional aspects of  
19          agriculture and land management to improve the ex-  
20          pertise and technical abilities of Indian tribes and  
21          their members.

22   **SEC. 4. DEFINITIONS.**

23           For the purposes of this Act:

24           (1) The term “Indian agricultural lands” means  
25           Indian land, including farmland and rangeland, but

1 *excluding Indian forest land, that is used for the pro-*  
2 *duction of agricultural products, and Indian lands*  
3 *occupied by industries that support the agricultural*  
4 *community, regardless of whether a formal inspection*  
5 *and land classification has been conducted.*

6 *(2) The term “agricultural product” means—*

7 *(A) crops grown under cultivated conditions*  
8 *whether used for personal consumption, subsist-*  
9 *ence, or sold for commercial benefit;*

10 *(B) domestic livestock, including cattle,*  
11 *sheep, goats, horses, buffalo, swine, reindeer, fowl,*  
12 *or other animal specifically raised and utilized*  
13 *for food or fiber or as beast of burden;*

14 *(C) forage, hay, fodder, feed grains, crop*  
15 *residues and other items grown or harvested for*  
16 *the feeding and care of livestock, sold for com-*  
17 *mercial profit, or used for other purposes; and*

18 *(D) other marketable or traditionally used*  
19 *materials authorized for removal from Indian*  
20 *agricultural lands.*

21 *(3) The term “agricultural resource” means—*

22 *(A) all the primary means of production,*  
23 *including the land, soil, water, air, plant com-*  
24 *munities, watersheds, human resources, natural*  
25 *and physical attributes, and man-made develop-*

1        *ments, which together comprise the agricultural*  
2        *community; and*

3                *(B) all the benefits derived from Indian ag-*  
4        *ricultural lands and enterprises, including cul-*  
5        *tivated and gathered food products, fibers, horti-*  
6        *cultural products, dyes, cultural or religious con-*  
7        *ditions, medicines, water, aesthetic, and other*  
8        *traditional values of agriculture.*

9                *(4) The term “agricultural resource management*  
10       *plan” means a plan developed under section 101(b).*

11               *(5) The term “Bureau” means the Bureau of In-*  
12       *dian Affairs of the Department of the Interior.*

13               *(6) The term “farmland” means Indian land ex-*  
14       *cluding Indian forest land that is used for production*  
15       *of food, feed, fiber, forage and seed oil crops, or other*  
16       *agricultural products, and may be either dryland, ir-*  
17       *rigated, or irrigated pasture.*

18               *(7) The term “Indian forest land” means forest*  
19       *land as defined in section 304(3) of the National In-*  
20       *dian Forest Resources Management Act (25 U.S.C.*  
21       *3103(3)).*

22               *(8) The term “Indian” means an individual who*  
23       *is a member of an Indian tribe.*

24               *(9) The term “Indian land” means land that*  
25       *is—*

1           (A) held in trust by the United States for  
2           an Indian tribe; or

3           (B) owned by an Indian or Indian tribe  
4           and is subject to restrictions against alienation.

5           (10) The term “Indian tribe” means any Indian  
6           tribe, band, nation, pueblo, or other organized group  
7           or community, including any Alaska Native village  
8           or regional corporation as defined in or established  
9           pursuant to the Alaska Native Claims Settlement Act  
10          (43 U.S.C. 1601 et seq.), which is recognized as eligi-  
11          ble for the special programs and services provided by  
12          the United States to Indian tribes because of their  
13          status as Indians.

14          (11) The term “integrated resource management  
15          plan” means the plan developed pursuant to the proc-  
16          ess used by tribal governments to assess available re-  
17          sources and to provide identified holistic management  
18          objectives that include quality of life, production goals  
19          and landscape descriptions of all designated resources  
20          that may include (but not be limited to) water, fish,  
21          wildlife, forestry, agriculture, minerals, and recre-  
22          ation, as well as community and municipal resources,  
23          and may include any previously adopted tribal codes  
24          and plans related to such resources.

1           (12) The term “land management activity”  
2       means all activities, accomplished in support of the  
3       management of Indian agricultural lands, including  
4       (but not limited to)—

5           (A) preparation of soil and range inven-  
6       tories, farmland and rangeland management  
7       plans, and monitoring programs to evaluate  
8       management plans;

9           (B) agricultural lands and on-farm irriga-  
10      tion delivery system development, and the appli-  
11      cation of state of the art, soil and range con-  
12      servation management techniques to restore and  
13      ensure the productive potential of Indian lands;

14          (C) protection against agricultural pests,  
15      including development, implementation, and  
16      evaluation of integrated pest management pro-  
17      grams to control noxious weeds, undesirable vege-  
18      tation, and vertebrate or invertebrate agricul-  
19      tural pests;

20          (D) administration and supervision of agri-  
21      cultural leasing and permitting activities, in-  
22      cluding determination of proper land use, carry-  
23      ing capacities, and proper stocking rates of live-  
24      stock, appraisal, advertisement, negotiation, con-



1           tract preparation, collecting, recording, and dis-  
2           tributing lease rental receipts;

3           (E) technical assistance to individuals and  
4           tribes engaged in agricultural production or ag-  
5           ribusiness; and

6           (F) educational assistance in agriculture,  
7           natural resources, land management and related  
8           fields of study, including direct assistance to  
9           tribally-controlled community colleges in devel-  
10          oping and implementing curriculum for voca-  
11          tional, technical, and professional course work.

12          (13) The term “Indian landowner” means the  
13          Indian or Indian tribe that—

14                (A) owns such Indian land, or

15                (B) is the beneficiary of the trust under  
16          which such Indian land is held by the United  
17          States.

18          (14) The term “rangeland” means Indian land,  
19          excluding Indian forest land, on which the native  
20          vegetation is predominantly grasses, grass-like plants,  
21          forbs, half-shrubs or shrubs suitable for grazing or  
22          browsing use, and includes lands revegetated natu-  
23          rally or artificially to provide a forage cover that is  
24          managed as native vegetation.

(15) The term “Secretary” means the Secretary of the Interior.

## ***TITLE I—RANGELAND AND FARMLAND ENHANCEMENT***

### ***SEC. 101. MANAGEMENT OF INDIAN RANGELANDS AND FARMLANDS.***

(a) *MANAGEMENT OBJECTIVES.*—Consistent with the provisions of the Indian Self-Determination and Education Assistance Act, the Secretary shall provide for the management of Indian agricultural lands to achieve the following objectives:

(1) *To protect, conserve, utilize, and maintain the highest productive potential on Indian agricultural lands through the application of sound conservation practices and techniques. These practices and techniques shall be applied to planning, development, inventorying, classification, and management of agricultural resources;*

(2) *To increase production and expand the diversity and availability of agricultural products for subsistence, income, and employment of Indians and Alaska Natives, through the development of agricultural resources on Indian lands;*

(3) *To manage agricultural resources consistent with integrated resource management plans in order*

1       to protect and maintain other values such as wildlife,  
2       fisheries, cultural resources, recreation and to regulate  
3       water runoff and minimize soil erosion;

4           (4) To enable Indian farmers and ranchers to  
5       maximize the potential benefits available to them  
6       through their land by providing technical assistance,  
7       training, and education in conservation practices,  
8       management and economics of agribusiness, sources  
9       and use of credit and marketing of agricultural prod-  
10      ucts, and other applicable subject areas;

11          (5) To develop Indian agricultural lands and as-  
12      sociated value-added industries of Indians and In-  
13      dian tribes to promote self-sustaining communities;  
14      and

15          (6) To assist trust and restricted Indian land-  
16      owners in leasing their agricultural lands for a rea-  
17      sonable annual return, consistent with prudent man-  
18      agement and conservation practices, and community  
19      goals as expressed in the tribal management plans  
20      and appropriate tribal ordinances.

21      (b) INDIAN AGRICULTURAL RESOURCE MANAGEMENT  
22      PLANNING PROGRAM.—(1) To meet the management objec-  
23      tives of this section, a 10-year Indian agriculture resource  
24      management and monitoring plan shall be developed and  
25      implemented as follows:

1           (A) Pursuant to a self-determination contract or  
2           self-governance compact, an Indian tribe may develop  
3           or implement an Indian agriculture resource plan.  
4           Subject to the provisions of subparagraph (C), the  
5           tribe shall have broad discretion in designing and  
6           carrying out the planning process.

7           (B) If a tribe chooses not to contract the develop-  
8           ment or implementation the plan, the Secretary shall  
9           develop or implement, as appropriate, the plan in  
10          close consultation with the affected tribe.

11          (C) Whether developed directly by the tribe or by  
12          the Secretary, the plan shall—

13               (i) determine available agriculture re-  
14               sources;

15               (ii) identify specific tribal agricultural re-  
16               source goals and objectives;

17               (iii) establish management objectives for the  
18               resources;

19               (iv) define critical values of the Indian tribe  
20               and its members and provide identified holistic  
21               management objectives;

22               (v) identify actions to be taken to reach es-  
23               tablished objectives;

24               (vi) be developed through public meetings;

1           (vii) use the public meeting records, existing  
2           survey documents, reports, and other research  
3           from Federal agencies, tribal community colleges,  
4           and lands grant universities; and  
5           (viii) be completed within three years of the  
6           initiation of activity to establish the plan.

7           (2) Indian agriculture resource management plans de-  
8           veloped and approved under this section shall govern the  
9           management and administration of Indian agricultural re-  
10          sources and Indian agricultural lands by the Bureau and  
11          the Indian tribal government.

12   **SEC. 102. INDIAN PARTICIPATION IN LAND MANAGEMENT**  
13                   **ACTIVITIES.**

14          (a) *TRIBAL RECOGNITION.*—The Secretary shall con-  
15          duct all land management activities on Indian agricultural  
16          land in accordance with goals and objectives set forth in  
17          the approved agricultural resource management plan, in an  
18          integrated resource management plan, and in accordance  
19          with all tribal laws and ordinances, except in specific in-  
20          stances where such compliance would be contrary to the  
21          trust responsibility of the United States.

22          (b) *TRIBAL LAWS.*—Unless otherwise prohibited by  
23          Federal law, the Secretary shall comply with tribal laws  
24          and ordinances pertaining to Indian agricultural lands, in-  
25          cluding laws regulating the environment and historic or

1 *cultural preservation, and laws or ordinances adopted by*  
2 *the tribal government to regulate land use or other activities*  
3 *under tribal jurisdiction. The Secretary shall—*

4 *(1) provide assistance in the enforcement of such*  
5 *tribal laws;*

6 *(2) provide notice of such laws to persons or en-*  
7 *tities undertaking activities on Indian agricultural*  
8 *lands; and*

9 *(3) upon the request of an Indian tribe, require*  
10 *appropriate Federal officials to appear in tribal*  
11 *forums.*

12 *(c) WAIVER OF REGULATIONS.—In any case in which*  
13 *a regulation or administrative policy of the Department of*  
14 *the Interior conflicts with the objectives of the agricultural*  
15 *resource management plan provided for in section 101, or*  
16 *with a tribal law, the Secretary shall waive the application*  
17 *of such regulation or administrative policy unless such*  
18 *waiver would constitute a violation of a Federal statute or*  
19 *judicial decision or would conflict with his general trust*  
20 *responsibility under Federal law.*

21 *(d) SOVEREIGN IMMUNITY.—This section does not con-*  
22 *stitute a waiver of the sovereign immunity of the United*  
23 *States, nor does it authorize tribal justice systems to review*  
24 *actions of the Secretary.*

1 **SEC. 103. INDIAN AGRICULTURAL LANDS TRESPASS.**

2 (a) *CIVIL PENALTIES; REGULATIONS.*—Not later than  
3 one year after the date of enactment of this Act, the Sec-  
4 retary shall issue regulations that—

5 (1) *establish civil penalties for the commission of*  
6 *trespass on Indian agricultural lands, which provide*  
7 *for—*

8 (A) *collection of the value of the products il-*  
9 *legally used or removed plus a penalty of double*  
10 *their values;*

11 (B) *collection of the costs associated with*  
12 *damage to the Indian agricultural lands caused*  
13 *by the act of trespass; and*

14 (C) *collection of the costs associated with*  
15 *enforcement of the regulations, including field ex-*  
16 *amination and survey, damage appraisal, inves-*  
17 *tigation assistance and reports, witness expenses,*  
18 *demand letters, court costs, and attorney fees;*

19 (2) *designate responsibility within the Depart-*  
20 *ment of the Interior for the detection and investiga-*  
21 *tion of Indian agricultural lands trespass; and*

22 (3) *set forth responsibilities and procedures for*  
23 *the assessment and collection of civil penalties.*

24 (b) *TREATMENT OF PROCEEDS.*—*The proceeds of civil*  
25 *penalties collected under this section shall be treated as pro-*

1 ceeds from the sale of agricultural products from the Indian  
2 agricultural lands upon which such trespass occurred.

3 (c) *CONCURRENT JURISDICTION.*—Indian tribes which  
4 adopt the regulations promulgated by the Secretary pursu-  
5 ant to subsection (a) shall have concurrent jurisdiction with  
6 the United States to enforce the provisions of this section  
7 and the regulations promulgated thereunder. The Bureau  
8 and other agencies of the Federal Government shall, at the  
9 request of the tribal government, defer to tribal prosecutions  
10 of Indian agricultural land trespass cases. Tribal court  
11 judgments regarding agricultural trespass shall be entitled  
12 to full faith and credit in Federal and State courts to the  
13 same extent as a Federal court judgment obtained under  
14 this section. Nothing in this Act shall be construed to dimin-  
15 ish the sovereign authority of Indian tribes with respect to  
16 trespass.

17 **SEC. 104. ASSESSMENT OF INDIAN AGRICULTURAL MAN-**  
18 **AGEMENT PROGRAMS.**

19 (a) *ASSESSMENT.*—Within six months after the date  
20 of enactment of this Act, the Secretary, in consultation with  
21 affected Indian tribes, shall enter into a contract with a  
22 non-Federal entity knowledgeable in agricultural manage-  
23 ment on Federal and private lands to conduct an independ-  
24 ent assessment of Indian agricultural land management  
25 and practices. Such assessment shall be national in scope



1 *and shall include a comparative analysis of Federal invest-*  
2 *ment and management efforts for Indian trust and re-*  
3 *stricted agricultural lands as compared to federally-owned*  
4 *lands managed by other Federal agencies or instrumental-*  
5 *ities and as compared to federally-served private lands.*

6 (b) *PURPOSES.—The purposes of the assessment shall*  
7 *be—*

8 (1) *to establish a comprehensive assessment of the*  
9 *improvement, funding, and development needs for all*  
10 *Indian agricultural lands;*

11 (2) *to establish a comparison of management*  
12 *and funding provided to comparable lands owned or*  
13 *managed by the Federal Government through Federal*  
14 *agencies other than the Bureau; and*

15 (3) *to identify any obstacles to Indian access to*  
16 *Federal or private programs relating to agriculture or*  
17 *related rural development programs generally avail-*  
18 *able to the public at large.*

19 (c) *IMPLEMENTATION.—Within one year after the date*  
20 *of enactment of this Act, the Secretary shall provide the*  
21 *Subcommittee on Native American Affairs of the Committee*  
22 *on Natural Resources of the House of Representatives and*  
23 *the Committee on Indian Affairs of the Senate with a status*  
24 *report on the development of the comparative analysis re-*  
25 *quired by this section and shall file a final report with the*

1 *Congress not later than 18 months after the date of enact-*  
2 *ment of this Act.*

3 ***SEC. 105. LEASING OF INDIAN AGRICULTURAL LANDS.***

4 *(a) AUTHORITY OF THE SECRETARY.—The Secretary*  
5 *is authorized to—*

6 *(1) approve any agricultural lease or permit*  
7 *with (A) a tenure of up to 10 years, or (B) a tenure*  
8 *longer than 10 years but not to exceed 25 years unless*  
9 *authorized by other Federal law, when such longer*  
10 *tenure is determined by the Secretary to be in the best*  
11 *interest of the Indian landowners and when such lease*  
12 *or permit requires substantial investment in the de-*  
13 *velopment of the lands or crops by the lessee; and*

14 *(2) lease or permit agricultural lands to the*  
15 *highest responsible bidder at rates less than the Fed-*  
16 *eral appraisal after satisfactorily advertising such*  
17 *lands for lease, when, in the opinion of the Secretary,*  
18 *such action would be in the best interest of the Indian*  
19 *landowner.*

20 *(b) AUTHORITY OF THE TRIBE.—When authorized by*  
21 *an appropriate tribal resolution establishing a general pol-*  
22 *icy for leasing of Indian agricultural lands, the Secretary—*

23 *(1) shall provide a preference to Indian opera-*  
24 *tors in the issuance and renewal of agricultural leases*

1       *and permits so long as the lessor receives fair market*  
2       *value for his property;*

3               *(2) shall waive or modify the requirement that*  
4       *a lessee post a surety or performance bond on agricul-*  
5       *tural leases and permits issued by the Secretary;*

6               *(3) shall provide for posting of other collateral or*  
7       *security in lieu of surety or other bonds; and*

8               *(4) when such tribal resolution sets forth a tribal*  
9       *definition of what constitutes “highly fractionated un-*  
10       *divided heirship lands” and adopts an alternative*  
11       *plan for providing notice to owners, may waive or*  
12       *modify any general notice requirement of Federal law*  
13       *and proceed to negotiate and lease or permit such*  
14       *highly fractionated undivided interest heirship lands*  
15       *in conformity with tribal law in order to prevent*  
16       *waste, reduce idle land acreage, and ensure income.*

17       *(c) RIGHTS OF INDIVIDUAL LANDOWNERS.—(1) Noth-*  
18       *ing in this section shall be construed as limiting or altering*  
19       *the authority or right of an individual allottee in the legal*  
20       *or beneficial use of his or her own land or to enter into*  
21       *an agricultural lease of the surface interest of his or her*  
22       *allotment under any other provision of law.*

23               *(2)(A) The owners of a majority interest in any trust*  
24       *or restricted land are authorized to enter into an agricul-*  
25       *tural lease of the surface interest of a trust or restricted*

1 *allotment, and such lease shall be binding upon the owners*  
 2 *of the minority interests in such land if the terms of the*  
 3 *lease provide such minority interests with not less than fair*  
 4 *market value for such land.*

5 *(B) For the purposes of subparagraph (A), a majority*  
 6 *interest in trust or restricted land is an interest greater*  
 7 *than 50 percent of the legal or beneficial title.*

8 *(3) The provisions of subsection (b) shall not apply*  
 9 *to a parcel of trust or restricted land if the owners of at*  
 10 *least 50 percent of the legal or beneficial interest in such*  
 11 *land file with the Secretary a written objection to the appli-*  
 12 *cation of all or any part of such tribal rules to the leasing*  
 13 *of such parcel of land.*

## 14 **TITLE II—EDUCATION IN** 15 **AGRICULTURE MANAGEMENT**

### 16 **SEC. 201. INDIAN AND ALASKA NATIVE AGRICULTURE MAN-** 17 **AGEMENT EDUCATION ASSISTANCE PRO-** 18 **GRAMS.**

19 *(a) AGRICULTURAL RESOURCES INTERN PROGRAM.—*  
 20 *(1) Notwithstanding the provisions of title 5, United States*  
 21 *Code, governing appointments in the competitive service,*  
 22 *the Secretary shall establish and maintain in the Bureau*  
 23 *or other appropriate office or bureau within the Depart-*  
 24 *ment of the Interior at least 20 agricultural resources intern*  
 25 *positions for Indian and Alaska Native students enrolled*

1 *in an agriculture study program. Such positions shall be*  
2 *in addition to the forester intern positions authorized in*  
3 *section 314(a) of the National Indian Forest Resources*  
4 *Management Act (25 U.S.C. 3113(a)),*

5 *(2) For purposes of this subsection—*

6 *(A) the term “agricultural resources intern”*  
7 *means an Indian who—*

8 *(i) is attending an approved postsecondary*  
9 *school in a full-time agriculture or related field,*  
10 *and*

11 *(ii) is appointed to one of the agricultural*  
12 *resources intern positions established under*  
13 *paragraph (1);*

14 *(B) the term “agricultural resources intern posi-*  
15 *tions” means positions established pursuant to para-*  
16 *graph (1) for agricultural resources interns; and*

17 *(C) the term “agriculture study program” in-*  
18 *cludes (but is not limited to) agricultural engineering,*  
19 *agricultural economics, animal husbandry, animal*  
20 *science, biological sciences, geographic information*  
21 *systems, horticulture, range management, soil science,*  
22 *and veterinary science.*

23 *(3) The Secretary shall pay, by reimbursement or oth-*  
24 *erwise, all costs for tuition, books, fees, and living expenses*  
25 *incurred by an agricultural resources intern while attend-*

1 *ing an approved postsecondary or graduate school in a full-*  
2 *time agricultural study program.*

3 *(4) An agricultural resources intern shall be required*  
4 *to enter into an obligated service agreement with the Sec-*  
5 *retary to serve as an employee in a professional agriculture*  
6 *or natural resources position with the Department of the*  
7 *Interior or other Federal agency or an Indian tribe for one*  
8 *year for each year of education for which the Secretary pays*  
9 *the intern's educational costs under paragraph (3).*

10 *(5) An agricultural resources intern shall be required*  
11 *to report for service with the Bureau of Indian Affairs or*  
12 *other bureau or agency sponsoring his internship, or to a*  
13 *designated work site, during any break in attendance at*  
14 *school of more than 3 weeks duration. Time spent in such*  
15 *service shall be counted toward satisfaction of the intern's*  
16 *obligated service agreement under paragraph (4).*

17 *(b) COOPERATIVE EDUCATION PROGRAM.—(1) The*  
18 *Secretary shall maintain, through the Bureau, a coopera-*  
19 *tive education program for the purpose, among other things,*  
20 *of recruiting Indian and Alaska Native students who are*  
21 *enrolled in secondary schools, tribally controlled community*  
22 *colleges, and other postsecondary or graduate schools, for*  
23 *employment in professional agricultural or related posi-*  
24 *tions with the Bureau or other Federal agency providing*  
25 *Indian agricultural or related services.*

1       (2) *The cooperative educational program under para-*  
2 *graph (1) shall be modeled after, and shall have essentially*  
3 *the same features as, the program in effect on the date of*  
4 *enactment of this Act pursuant to chapter 308 of the Fed-*  
5 *eral Personnel Manual of the Office of Personnel Manage-*  
6 *ment.*

7       (3) *The cooperative educational program shall include,*  
8 *among others, the following:*

9           (A) *The Secretary shall continue the established*  
10 *specific programs in agriculture and natural re-*  
11 *sources education at Southwestern Indian Polytechnic*  
12 *Institute (SIPI) and at Haskell Indian Junior Col-*  
13 *lege.*

14           (B) *The Secretary shall develop and maintain a*  
15 *cooperative program with the tribally controlled com-*  
16 *munity colleges to coordinate course requirements,*  
17 *texts, and provide direct technical assistance so that*  
18 *a significant portion of the college credits in both the*  
19 *Haskell and Southwestern Indian Polytechnic Insti-*  
20 *tute programs can be met through local program work*  
21 *at participating tribally controlled community*  
22 *colleges.*

23           (C) *Working through tribally controlled commu-*  
24 *nity colleges and in cooperation with land grant in-*  
25 *stitutions, the Secretary shall implement an informa-*

1        *tional and educational program to provide practical*  
2        *training and assistance in creating or maintaining a*  
3        *successful agricultural enterprise, assessing sources of*  
4        *commercial credit, developing markets, and other sub-*  
5        *jects of importance in agricultural pursuits.*

6            *(D) Working through tribally controlled commu-*  
7        *nity colleges and in cooperation with land grant in-*  
8        *stitutions, the Secretary shall implement research ac-*  
9        *tivities to improve the basis for determining appro-*  
10       *priate management measures to apply to Indian ag-*  
11       *ricultural management.*

12       *(4) Under the cooperative agreement program under*  
13       *paragraph (1), the Secretary shall pay, by reimbursement*  
14       *or otherwise, all costs for tuition, books, and fees of an In-*  
15       *dian student who—*

16            *(A) is enrolled in a course of study at an edu-*  
17        *cation institution with which the Secretary has en-*  
18        *tered into a cooperative agreement; and*

19            *(B) is interested in a career with the Bureau, an*  
20        *Indian tribe or a tribal enterprise in the management*  
21        *of Indian rangelands, farmlands, or other natural re-*  
22        *source assets.*

23       *(5) A recipient of assistance under the cooperative edu-*  
24       *cation program under this subsection shall be required to*  
25       *enter into an obligated service agreement with the Secretary*



1 *to serve as a professional in an agricultural resource related*  
2 *activity with the Bureau, or other Federal agency providing*  
3 *agricultural or related services to Indians or Indian tribes,*  
4 *or an Indian tribe for one year for each year for which*  
5 *the Secretary pays the recipients educational costs pursuant*  
6 *to paragraph (3).*

7 *(c) SCHOLARSHIP PROGRAM.—(1) The Secretary may*  
8 *grant scholarships to Indians enrolled in accredited agri-*  
9 *culture related programs for postsecondary and graduate*  
10 *programs of study as full-time students.*

11 *(2) A recipient of a scholarship under paragraph (1)*  
12 *shall be required to enter into an obligated service agree-*  
13 *ment with the Secretary in which the recipient agrees to*  
14 *accept employment for one year for each year the recipient*  
15 *received a scholarship, following completion of the recipi-*  
16 *ents course of study, with—*

17 *(A) the Bureau or other agency of the Federal*  
18 *Government providing agriculture or natural resource*  
19 *related services to Indians or Indian tribes;*

20 *(B) an agriculture or related program conducted*  
21 *under a contract, grant, or cooperative agreement en-*  
22 *tered into under the Indian Self-Determination and*  
23 *Education Assistance Act; or*

24 *(C) a tribal agriculture or related program.*

1       (3) *The Secretary shall not deny scholarship assistance*  
2 *under this subsection solely on the basis of an applicant's*  
3 *scholastic achievement if the applicant has been admitted*  
4 *to and remains in good standing in an accredited post sec-*  
5 *ondary or graduate institution.*

6       (d) *EDUCATIONAL OUTREACH.—The Secretary shall*  
7 *conduct, through the Bureau, and in consultation with*  
8 *other appropriate local, State and Federal agencies, and in*  
9 *consultation and coordination with Indian tribes, an agri-*  
10 *cultural resource education outreach program for Indian*  
11 *youth to explain and stimulate interest in all aspects of*  
12 *management and careers in Indian agriculture and natural*  
13 *resources.*

14       (e) *ADEQUACY OF PROGRAMS.—The Secretary shall*  
15 *administer the programs described in this section until a*  
16 *sufficient number of Indians are trained to ensure that*  
17 *there is an adequate number of qualified, professional In-*  
18 *dian agricultural resource managers to manage the Bureau*  
19 *agricultural resource programs and programs maintained*  
20 *by or for Indian tribes.*

21 **SEC. 202. POSTGRADUATION RECRUITMENT, EDUCATION**  
22 **AND TRAINING PROGRAMS.**

23       (a) *ASSUMPTION OF LOANS.—The Secretary shall es-*  
24 *tablish and maintain a program to attract Indian profes-*  
25 *sionals who are graduates of a course of postsecondary or*

1 graduate education for employment in either the Bureau  
2 agriculture or related programs or, subject to the approval  
3 of the tribe, in tribal agriculture or related programs. Ac-  
4 cording to such regulations as the Secretary may prescribe,  
5 such program shall provide for the employment of Indian  
6 professionals in exchange for the assumption by the Sec-  
7 retary of the outstanding student loans of the employee. The  
8 period of employment shall be determined by the amount  
9 of the loan that is assumed.

10 (b) *POSTGRADUATE INTERGOVERNMENTAL INTERN-*  
11 *SHIPS.*—For the purposes of training, skill development  
12 and orientation of Indian and Federal agricultural man-  
13 agement personnel, and the enhancement of tribal and Bu-  
14 reau agricultural resource programs, the Secretary shall es-  
15 tablish and actively conduct a program for the cooperative  
16 internship of Federal and Indian agricultural resource per-  
17 sonnel. Such program shall—

18 (1) for agencies within the Department of the In-  
19 terior—

20 (A) provide for the internship of Bureau  
21 and Indian agricultural resource employees in  
22 the agricultural resource related programs of  
23 other agencies of the Department of the Interior,  
24 and

1           (B) provide for the internship of agricul-  
2           tural resource personnel from the other Depart-  
3           ment of the Interior agencies within the Bureau,  
4           and, with the consent of the tribe, within tribal  
5           agricultural resource programs;

6           (2) for agencies not within the Department of the  
7           Interior, provide, pursuant to an interagency agree-  
8           ment, internships within the Bureau and, with the  
9           consent of the tribe, within a tribal agricultural re-  
10          source program of other agricultural resource person-  
11          nel of such agencies who are above their sixth year of  
12          Federal service;

13          (3) provide for the continuation of salary and  
14          benefits for participating Federal employees by their  
15          originating agency;

16          (4) provide for salaries and benefits of partici-  
17          pating Indian agricultural resource employees by the  
18          host agency; and

19          (5) provide for a bonus pay incentive at the con-  
20          clusion of the internship for any participant.

21          (c) CONTINUING EDUCATION AND TRAINING.—The  
22          Secretary shall maintain a program within the Trust Serv-  
23          ices Division of the Bureau and Indian agricultural re-  
24          source personnel which shall provide for—

1           (1) orientation training for Bureau agricultural  
2           resource personnel in tribal-Federal relations and re-  
3           sponsibilities;

4           (2) continuing technical agricultural resource  
5           education for Bureau and Indian agricultural re-  
6           source personnel; and

7           (3) development training of Indian agricultural  
8           resource personnel in agricultural resource based en-  
9           terprises and marketing.

10 **SEC. 203. COOPERATIVE AGREEMENT BETWEEN THE DE-**  
11 **PARTMENT OF THE INTERIOR AND INDIAN**  
12 **TRIBES.**

13           (a) COOPERATIVE AGREEMENTS.—

14           (1)(A) To facilitate the administration of the  
15           programs and activities of the Department of the In-  
16           terior, the Secretary may negotiate and enter into co-  
17           operative agreements with Indian tribes to—

18                   (i) engage in cooperative manpower and job  
19                   training,

20                   (ii) develop and publish cooperative agricul-  
21                   tural education and resource planning materials,  
22                   and

23                   (iii) perform land and facility improve-  
24                   ments and other activities related to land and  
25                   natural resource management and development.

1           (B) *The Secretary may enter into these agree-*  
2           *ments when the Secretary determines the interest of*  
3           *Indians and Indian tribes will be benefited.*

4           (2) *In cooperative agreements entered into under*  
5           *paragraph (1), the Secretary may advance or reim-*  
6           *burse funds to contractors from any appropriated*  
7           *funds available for similar kinds of work or by fur-*  
8           *nishing or sharing materials, supplies, facilities, or*  
9           *equipment without regard to the provisions of section*  
10          *3324 of title 31, United States Code, relating to the*  
11          *advance of public moneys.*

12          (b) *SUPERVISION.*—*In any agreement authorized by*  
13          *this section, Indian tribes and their employees may perform*  
14          *cooperative work under the supervision of the Department*  
15          *of the Interior in emergencies or otherwise as mutually*  
16          *agreed to, but shall not be deemed to be Federal employees*  
17          *other than for the purposes of sections 2671 through 2680*  
18          *of title 28, United States Code, and sections 8101 through*  
19          *8193 of title 5, United States Code.*

20          (c) *SAVINGS CLAUSE.*—*Nothing in this Act shall be*  
21          *construed to limit the authority of the Secretary to enter*  
22          *into cooperative agreements otherwise authorized by law.*

23          **SEC. 204. OBLIGATED SERVICE; BREACH OF CONTRACT.**

24          (a) *OBLIGATED SERVICE.*—*Where an individual en-*  
25          *ters into an agreement for obligated service in return for*

1 *financial assistance under any provision of this title, the*  
2 *Secretary shall adopt such regulations as are necessary to*  
3 *provide for the offer of employment to the recipient of such*  
4 *assistance as required by such provision. Where an offer of*  
5 *employment is not reasonably made, the regulations shall*  
6 *provide that such service shall no longer be required.*

7       (b) *BREACH OF CONTRACT; REPAYMENT.—Where an*  
8 *individual fails to accept a reasonable offer of employment*  
9 *in fulfillment of such obligated service or unreasonably ter-*  
10 *minates or fails to perform the duties of such employment,*  
11 *the Secretary shall require a repayment of the financial as-*  
12 *sistance provided, prorated for the amount of time of obli-*  
13 *gated service that was performed, together with interest on*  
14 *such amount which would be payable if at the time the*  
15 *amounts were paid they were loans bearing interest at the*  
16 *maximum legal prevailing rate, as determined by the Sec-*  
17 *retary of the Treasury.*

## 18                   **TITLE III—GENERAL** 19                   **PROVISIONS**

### 20   **SEC. 301. REGULATIONS.**

21       *Except as otherwise provided by this Act, the Secretary*  
22 *shall promulgate final regulations for the implementation*  
23 *of this Act within 18 months after the date of enactment*  
24 *of this Act. All regulations promulgated pursuant to this*

1 *Act shall be developed by the Secretary with the participa-*  
2 *tion of the affected Indian tribes.*

3 **SEC. 302. TRUST RESPONSIBILITY.**

4 *Nothing in this Act shall be construed to diminish or*  
5 *expand the trust responsibility of the United States toward*  
6 *Indian trust lands or natural resources, or any legal obliga-*  
7 *tion or remedy resulting therefrom.*

8 **SEC. 303. SEVERABILITY.**

9 *If any provision of this Act, or the application of any*  
10 *provision of this Act to any person or circumstance, is held*  
11 *invalid, the application of such provision or circumstance*  
12 *and the remainder of this Act shall not be affected thereby.*

13 **SEC. 304. FEDERAL, STATE AND LOCAL AUTHORITY.**

14 *(a) DISCLAIMER.—Nothing in this Act shall be con-*  
15 *strued to supercede or limit the authority of Federal, State*  
16 *or local agencies otherwise authorized by law to provide*  
17 *services to Indians.*

18 *(b) DUPLICATION OF SERVICES.—The Secretary shall*  
19 *work with all appropriate Federal departments and agen-*  
20 *cies to avoid duplication of programs and services currently*  
21 *available to Indian tribes and landowners from other*  
22 *sources.*

23 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

24 *There are authorized to be appropriated such sums as*  
25 *may be necessary to carry out the purposes of this Act.*



HR 1425 RH—2

HR 1425 RH—3